

REMARKS

The Examiner has rejected claims 1 through 3 and 5 through 7 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 5,092,595 (Daravina) in view of U.S. Patent 5,613,684 (Gittens et al.) and U.S. Patent 4,454,253 (Murphy et al.). Claim 4 has been rejected under 35 U.S.C. § 103(a) as being obvious over Daravina, Gittens et al., and Murphy et al. in further view of U.S. Patent 2,731,266 (Neilson).

Claims 1 and 7 have been amended. Claims 2 through 6 have been left in their original form. Claims 8 through 16 have been added. Applicants respectfully traverse the Examiner's rejections and submit that the claims are currently patentable over Daravina, Gittens et al., Murphy et al., and Neilson.

To establish *prima facie* obviousness, the prior art must teach or suggest all of the limitations of a claim. There must also be some suggestion or motivation in the prior art to combine the teachings of prior references. In addition, there must be a reasonable expectation of success. (See MPEP 2143). Applicants respectfully submit that none of these three elements of *prima facie* obviousness are met with respect to the present claims.

Applicants note that none of the references cited contemplate a ball capable of both elastically bouncing and magnetically sticking. Applicants concede that Murphy et al. teaches a ball capable of bouncing. However, Murphy et al. lacks any suggestion of or appreciation for a bouncing ball having magnetic properties. Similarly, while the other references may respectively teach an object having magnetic properties, none of the other references teach, suggest, or appreciate an object having *magnetic properties in addition to elastic properties*. In fact, Gittens et al., in describing the unrelated field of darts, teaches that bouncing is undesirable (Col. 1, ll. 49-50). Daravina teaches the use of sticks, not bouncing, to propel a ball toward a goal (Col. 4,

ll. 12-17). Finally, the teachings of ball movement in Neilson do not include anything other than rolling the ball like a pinball. In short, a ball having the novel combination of both magnetic and elastic properties is not taught or motivated by the prior art. Furthermore, none of the references cited appreciate the unexpected results obtained with this unique combination. Accordingly, applicants respectfully submit that the invention recited in the current claims was far from obvious at the time of invention.

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, applicants submit that all pending claims overcome the rejections presented in the Office Action, and respectfully request reconsideration and an early notice of allowance.

Respectfully submitted,

Thomas J. Chojnacki et al.



David E. Franklin
Registration No. 39,194
FROST BROWN TODD LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202-4182
Telephone (513) 651-6856
Facsimile (513) 651-6981
dfranklin@fbtlaw.com